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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,036

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EXAMINER

MULLINS, BURTON S

ART UNIT

PAPER NUMBER

2834

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,036	<b>Applicant(s)</b> UCHIUMI ET AL.	
	<b>Examiner</b> BURTON MULLINS	<b>Art Unit</b> 2834	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29,30,35 and 36 is/are rejected.
- 7) ☒ Claim(s) 31-34 and 37-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign applications must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e). Applicant's remarks filed 27 November 2007 (p.11, second paragraph) indicate verified English-language translations of JP 2002-381309 and PCT/JP2003/016415 (upon which priority of the application is based) were filed; however, these documents have not been found in the examiner's file. Thus, applicant is requested to re-submit the verified English-language translations. Failure to provide certified translations may result in no benefit being accorded for the non-English application.

### ***Drawings***

2. Corrected drawings were received on 29 May 2008. However, these drawings are objected to in part as failing to comply with 37 CFR 1.84(p)(5) because Fig.3a includes the following reference character not mentioned in the description: 33e (denoting "a pair of attachment faces"). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin

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as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: Fig.3a was amended to include reference number 33e denoting “a pair of attachment faces”; however, the specification does not include this reference number. See the drawing objection above. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitation “a pair of attachment faces” (33e in amended Fig.3a) is indefinite. It is not clear if this refers to the “a pair of attachment rails” (33c in amended Fig.3a) recited in claim 35 or to a different element. The examiner takes the “pair of attachment rails” to refer to the “rails 33c in the form of U-shaped grooves running along the outside [of holder 33]” (specification paragraph 88; Fig.3a). Since “a pair of attachment faces” is recited only in the claims and not in the detailed description, this will be taken as referring to the portion of the holder rails 33c marked 33e in the amended Fig.3a (See Explanation Exhibit B) which contacts or ‘attaches’ to the circuit board 50.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 29-30 and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Narusawa (US 6,081,055). Narusawa teaches a vibration motor comprised of a motor body 20 (Figs.1B,2A-2C), a motor shaft 22 projecting from the motor body (Fig.1A), an eccentric weight 23 attached to the motor shaft 22 (Fig.1A), and an attaching means (holder frame) 30 (Figs.1A-1D&3A-3C) for supporting said motor body 20 in a horizontal prone posture at one surface of a board 100 (Fig.1a, board 100 illustrated in phantom), wherein the attaching means 30 has a pair of attachment faces (holding spring pieces) 33 straddling said motor shaft 22 and extending in parallel with the same at the two sides of a motor case 20 (Figs.1A-1D) and a plane including said pair of attachment faces 33 (i.e., “including” is construed as meaning the plane contains or ‘includes’ parts of the attachment faces 33) intersects with a circular orbit of the outermost point of the eccentric weight 23 at two points.

Regarding claim 30, parts of said pair of attachment faces 33 are positioned closer to said eccentric weight side than a center of gravity of said vibration motor itself (Figs.1A-1D) in the sense that the attachment faces 33 which extend along the entire length of the housing 20 include at least a portion which is closer to the eccentric weight side than a center of gravity of the vibration motor itself.

Regarding claim 35, the holding spring pieces 33 comprise “attachment rails” generally U-shaped in cross-section (Figs.3B&3C).

***Allowable Subject Matter***

7. Claims 31-34 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 31, the prior art does not teach the claimed vibration motor including, inter alia, a distance between a center point of a line connecting said two points and a point where a diametrical line of said circular orbit passing through that center point intersects said circular orbit in a normal direction at a plane including said pair of attachment faces is at least the radius of said circular orbit and not more than the sum of said radius and the thickness of said board.

Regarding claim 32, the prior art does not teach the claimed vibration motor including, inter alia, an end cap for closing an opening of said motor case at the side opposite to said eccentric weight and a pair of external connection terminal pieces attached to said end cap, said attaching means has a pair of legs straddling said motor case in its thickness direction, a leg connecting part connecting said pair of legs on said motor case, and feet formed at the bottom of said legs, and said attachment faces are the back surfaces of said feet.

Regarding claim 34, the prior art does not teach the claimed vibration motor including, inter alia, a board provided with a cutaway space or an open space, wherein a pair of attachment faces of said vibration motor is affixed to one surface of said board at the sides of said cutaway

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space or said open space, and said vibration motor is mounted with at least said motor body in a state sunken in said cutaway space or said open space.

Regarding claim 37, the prior art does not teach the claimed vibration motor including, inter alia, a distance between a center point of a line connecting said two points and a point where a diametrical line of said circular orbit passing through that center point intersects said circular orbit in a normal direction at a plane including said pair of attachment rails is at least the radius of said circular orbit and not more than the sum of said radius and the thickness of said board.

Regarding claim 38, the prior art does not teach the claimed vibration motor including, inter alia, said motor has a terminal blade mount for closing an opening of said motor housing at the side opposite to said eccentric weight and a pair of external connection terminal blades attached to said terminal blade mount, said attaching means has a pair of legs straddling said motor housing in its thickness direction, a leg connecting part connecting said pair of legs on said motor housing, and feet formed at the bottom of said legs, and said attachment rails are the back surfaces of said feet.

Regarding claim 40, the prior art does not teach the claimed vibration motor including, inter alia, a board provided with a cut-out or an open space, wherein a pair of attachment faces of said vibration motor are affixed to one surface of said board at the sides of said cut-out or said open space, and said vibration motor is mounted with at least said motor housing in a state sunken in said cut-out or said open space.

***Response to Arguments***

8. Applicant's arguments regarding Sei are convincing and the rejection has been withdrawn. New grounds of rejection are made over Narusawa. Since applicant's request for reconsideration of the finality of the rejection of the last Office action was persuasive, the finality of that action is withdrawn.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BURTON MULLINS whose telephone number is (571)272-2029. The examiner can normally be reached on 9-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BURTON MULLINS/



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bsm  
23 July 2008